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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEB 7 2005

Federal Communication Commission
Bureau / Office

In the Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations)
(Cambridge and St. Michaels, Maryland))

MB Docket No. 04-20
RM-10842

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Federal Communications Commission
Office of the Secretary

To: Assistant Chief, Audio Division
Media Bureau

REPLY TO OPPOSITION TO MOTION FOR LEAVE TO FILE RESPONSE

MTS Broadcasting, L.C. ("MTS"), acting pursuant to Section 1.45(c) of the Commission's rules, hereby replies to the Opposition (the "Opposition") of CWA Broadcasting, Inc. ("CWA") with respect to MTS's Motion for Leave to File a Response (the "Motion") to the Reply Comments of CWA Broadcasting, Inc. (the "Reply Comments"), which were filed on December 27, 2004 and supplemented on January 4, 2005. Despite the sound and fury of its Opposition, CWA presents no argument that would warrant the denial of MTS's Motion, and that Motion should therefore be granted. In support of that conclusion, the following is stated:

1. CWA complains that the Motion was filed "nearly a month after the Reply Comments were submitted," thus implying that MTS delayed the filing of its Motion. CWA Opposition at 1. There is no basis for that complaint. CWA filed its Reply Comments on December 27, 2004 and then supplemented those Reply Comments on January 4, 2005. MTS filed its Motion on January 21, 2005, which was ten (10) days after the filing of the Supplement (plus an additional three days, excluding holidays, for service by mail). CWA does not explain how that timing constitutes any kind of delay or caused CWA any kind of prejudice.

2. Nor does CWA provide any public interest basis to justify the denial of MTS's Motion. In its Motion, MTS pointed out that CWA's Reply Comments included – for the first time – an engineering study to support CWA's proposal, even though that engineering study could have been filed with the Commission last April when CWA filed its opposition to MTS's counterproposal. If CWA had filed its engineering study at that time, MTS would have had an opportunity to file reply comments in December responding to that engineering study (in the context of analyzing all the counterproposals that were made available for comment). CWA's Opposition does even acknowledge the stated basis for MTS's Motion, let alone explain why it does not provide a valid justification for a grant of the Motion and an acceptance of the Response.

3. CWA's Opposition likewise fails to explain how the public interest will be adversely affected by consideration of the analysis of CWA's engineering study in MTS's Response. That is especially so since CWA's engineering study (and the accompanying commentary in the Reply Comments) rely on contradictory arguments: on the one hand, for example, CWA contends that the Commission should disregard its plan to remain at its existing transmitter site and rely instead on the theoretical benefits of coverage from the theoretical reference point of CWA's proposed upgrade of WINX, Reply at 3; on the other hand, CWA contends that the Commission should rely on real-world coverage rather than theoretical coverage and, from that perspective, (a) disregard the loss of St. Michael's first local service because the service was never instituted as required by the Commission and is therefore theoretical and (b) reject the counterproposal of Route 12 Community Broadcasters for a new local service at Stockton, Maryland because the counterproposal is based on a theoretical analysis and fails to account for CWA's real-world commitment to remain at its existing transmitter site. Reply at 5-7. CWA's commitment (if not need) to remain at WINX's existing

transmitter site (for which it only has an implied Special Temporary Authorization) underscores the folly of any Commission decision that relies on the theoretical gains from the theoretical reference point for the WINX upgrade and ignores the theoretical loss of St. Michael's first local service. *See Dos Palos, Chaular, and Big Sur*, 19 FCC Rcd 1826, 1831 (Aud. Div. 2004) (station had only an "implied Special Temporary Authority" to operate at its existing licensed transmitter site after the Table of Allotments had been modified to relocate the channel to another community, and that implied STA did not justify a disregard of the loss of service to the community where the channel had been relocated).


4. Contrary to CWA's Opposition, then, there is ample justification to support a grant of MTS's Motion: consideration of MTS's Response will help insure that the record in the instant proceeding provides a reasoned assessment of the parties' arguments.

WHEREFORE, in view of the foregoing, it is respectfully requested that MTS's Motion be granted and the Response be accepted for filing.

Respectfully submitted,

Dickstein Shapiro Morin & Oshinsky LLP
2101 L Street, N.W.
Washington, DC 20037-1526
Tele: (202) 785-9700
Fax: (202) 887-0689
E-mail: paperl@dsmo.com
E-mail: kerstinga@dsmo.com

Attorneys for
MTS BROADCASTING, L.C.

By: 
Lewis J. Paper
Andrew S. Kersting

CERTIFICATE OF SERVICE

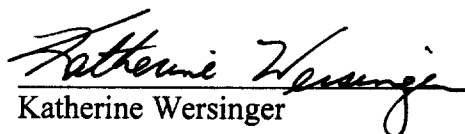
I hereby certify that on this 7th day of February, 2005 a copy of the foregoing "Reply to Opposition to Motion for Leave to File Response" was hand-delivered or sent by first-class mail, postage prepaid, to the following:

John A. Karousos, Assistant Chief*
Audio Division
Media Bureau
Federal Communications Commission
The Portals II
445 Twelfth Street, S.W.
Room 3-A266
Washington, DC 20554

R. Barthen Gorman*
Audio Division
Media Bureau
Federal Communications Commission
The Portals II
445 Twelfth Street, S.W.
Room 3-A224
Washington, DC 20554

Barry A. Freidman, Esq.
Thompson Hine LLP
1920 N. Street, N.W., Suite 800
Washington, DC 20036
(Counsel for Bay Broadcasting, Inc. and CWA Broadcasting, Inc.)

Cary S. Tepper, Esq.
Booth, Freret, Imlay & Tepper, P.C.
7900 Wisconsin Avenue
Suite 304
Bethesda, MD 20814-3628
(Counsel for Route 12 Community Broadcasters)


Katherine Wersinger

* Hand Delivered